

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR UTAH COUNTY, STATE OF UTAH.

Provo Reservoir Company,
a corporation, Plaintiff,

VS.

Provo City et al; Esthma Tanner
and Caleb Tanner, George Tanner
as Agents, Servants, and Employees
of Esthma Tanner,
Defendants.

Motion to Quash.

Comes now George Tanner and appearing specially for the purpose of this motion, moves the above entitled Court to quash and set aside that certain order to show cause issued by the above entitled Court under date of the 31st day of May, 1934 and as ground for such motion alleges:

1. That the above entitled Court had no jurisdiction to issue the same.
2. That the said order was issued on an affidavit which does not confer jurisdiction on the Court to issue the same.
3. That from the affidavit on which the said writ was issued it appears that the plaintiff Provo Reservoir Company is not beneficially interested in the matters and things contained in the said affidavit within the meaning of the laws of the State of Utah requiring actions to be brought in the name of the real party in interest.
4. That it appears from the affidavit of the said J.M. Bonny on which the said order was issued that the said J.M. Bonny is not a party beneficially interested in the matters and things contained therein within the meaning of the laws of the State of Utah requiring actions at law to be brought in the name of the real party in interest.
5. That the said order was issued on a shortened notice and that the above entitled Court had no jurisdiction to shorten the time for appearance to less than the statutory time of 5 days;
6. That it appears from the title to the said proceeding and from the said affidavit that the said order was not issued in any cause in which the Court has jurisdiction to issue the same.

Christopher S. Straw & Christopher

Attorneys for George Tanner for the
purpose of this motion

Received copy of above this
5th day of June, 1934.

G. W. Wetherill

Attorneys

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IN DIST. CO.
UTAH CO. UT.
JUN 3 1934

JUN 3 1934

Frank Salisbury